

REMARKS

Claims 21-38 were pending in the application. Claims 21-38 were rejected in the Office Action dated February 12, 2007.

Claims 21-24, 27-29, and 33-35 are hereby amended to more specifically recite aspects of the invention. Claims 26, 32 and 38 are hereby canceled.

Reconsideration of this application as amended, and allowance of all pending claims 21-25, 27-31, and 33-37, as amended, are hereby respectfully requested.

Objection to the Specification

In paragraph 7 of the Office Action, the specification was objected to because of various informalities. The specification is hereby amended to correct the informalities. Specifically, in paragraph [0006] of the specification, “to” is added before “which”; and in paragraph [0054] of the specification, the duplicative “is” is deleted. Therefore, this objection is overcome.

Rejection under 35 U.S.C. § 101

In paragraph 10 of the Office Action, claims 27, 33, and all claims dependent thereon were rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. This rejection is respectfully traversed.

The patentability guidelines beginning on page 2100-8 of the August 2006 revision of the MPEP, set forth a variety of guidelines for determining patentability. Applicants note that these guidelines are not law and must be interpreted in a manner consistent with the statutes and case law in this area. Applicants reserve the right to dispute the validity of these guidelines.

However, even based upon the guidelines, Applicants submit that the claims recite statutory subject matter. In particular, on page 2100-11, section 2 applies to “claims including such excluded subject matter” where the excluded subject matter includes abstract ideas, laws of nature or natural phenomenon. Applicants submit that claims 27 and 33 do not fall into this category since these claims are not directed to any of these three categories, in particular there is no “abstract idea” in building and storing *the resource access table*. For this reason, Applicants believe that pending claims recite statutory subject matter.

Applicants also submit that the recited claims recite statutory subject matter even if subsection (2) on page 2100-11 applies because the claims produce a useful, concrete and tangible result. In the guidelines, a claim recites statutory subject matter if the “result achieved by the claimed invention is ‘useful, tangible, and concrete.’” MPEP, page 2100-12. As described above, the result of the claims is *the resource access table*. (1) This result satisfies the useful result prong of the guidelines since the stored remote access table can be used for controlling access to resources by processes. By controlling access to resources processes, the availability and integrity of the resources can be preserved. (2) The tangible result section states that “[t]he tangible requirement does not necessarily mean that a claim must either be tied to a particular machine or apparatus or must operate to change articles or materials to a different state.” The resource access table does change the state of device (e.g., memory) on which the resource access table is stored; and thus, it is tangible. In addition, the stored resource access table controls whether a certain process have access to a certain resource. Whether the process accesses the resource is also a tangible result. (3) The concrete result prong is defined in the MPEP as meaning that the results must be substantially repeatable, i.e., that the results are not

unrepeatable or unpredictable. Applicants submit that the results are concrete and repeatable and there is no indication that the Examiner contends otherwise.

Rejection under 35 U.S.C. § 102

In paragraph 12 of the Office Action, claims 21, 26, 27, 32, 33 and 38 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,104,718 to Poublan et al. (“Poublan”). This rejection is respectfully traversed.

In a rejection under 35 U.S.C. § 102, each and every element must be present in the applied reference. Independent claim 21, as amended, specifically recites:

“observing, by *the intrusion detection module*, *patterns of the requests* from the process, the patterns representing normal behavior of the process;
generating, by *the intrusion detection module*, a description of rights to access the resource by the process *based on the patterns . . .*” (emphasis added).

The claimed invention recites a way of defining rights of processes to access one or more resources of a computer. In the claimed invention, the rights of processes to access the resources are determined by observing the patterns of the processes, and then generating the description of rights based on the observation. Then, a resource access table is built based on the description of rights to define rights of processes to access the resources.

Poublan, however, fails to disclose any of these two steps. Poublan relates to sharing information in files among plural processes in a multiprogrammed computing system. See Poublan, col. 1, ll. 28-31. Poublan discloses, among other things, a method to share files among

plural processes while protecting these files against malicious or inadvertent destruction. See Poublan., col. 43, ll. 59-63. In order to prevent malicious or inadvertent destruction of files, the source language programmer *manually* sets the degree to which the files are to be shared by processes. See Poublan, col. 3, ll. 19-32. That is, Poublan relies on inputs from the programmer to establish which process has access to which processes. The computer allows the processes to access the files in accordance with the programmer's setting. In Poublan, the computer does not observe patterns of the processes, or generate any descriptions of rights based on the observed patterns. Therefore, in Poublan, it is up to the programmer to set the access level for each files so as to protect files against malicious or inadvertent destruction. Nowhere in Poublan does it disclose that patterns of the requests are observed by an intrusion detection module or that a description rights are generated by the intrusion detection module based on the patterns, as recited in claim 21.

In addition, claim 21, as amended recites “the resource access table *having an ordered list of entries specifying process paths of processes* and rights to access resources by the processes.” Poublan, however, fails to disclose “the resource access table *having an ordered list of entries specifying process paths of processes.*” Poublan merely discloses a shareability level data substructure which includes filename characters and shareability level (SHR). See Poublan, col. 44, ll. 20-33; and FIG. 25. The shareability level data substructure in Poublan defines the shareable level of resources (e.g., files). The shareability level data substructure, however, does not specify the process paths of the processes, as recited in claim 21.

For at least the above reasons, it is submitted that claim 21 as amended is not anticipated by Poublan. Therefore, Applicants respectfully request that the rejection of claim 21 be withdrawn.

Claim 26 is dependent from claim 21, and the same arguments for claim 21 are equally applicable to claim 26. Thus, claim 26 is also not anticipated by Pouban. Therefore, Applicants respectfully request that the rejection of claim 26 be withdrawn.

Likewise, claim 27, as amended, also recites “observe patterns in the requests from the process,” “generate a description of rights to access the resource,” and “the resource access table having an ordered list of entries specifying process paths of processes.” Similarly, claim 33, as amended, recites “observe, by the intrusion detection module, patterns in the requests from the process,” “generate, by the intrusion detection module, a description of rights to access the resource,” and “the resource access table *having an ordered list of entries specifying process paths of processes.*” Therefore, the same arguments for claim 21 are equally applicable to claim 27, claim 32 (dependent from claim 27), claim 33, and claim 38 (dependent from claim 33). Thus, claims 27, 32, 33, and 38 are not anticipated by Pouban. Therefore, Applicants respectfully request that the rejection of claims 27, 32, 33, and 38 be withdrawn.

Rejection under 35 U.S.C. § 103

In paragraph 18 of the Office Action, claims 22-25, 28-31, and 34-37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Pouban in view of U.S. Patent Publication No. 2001/0056494 (“Trabelsi”). This rejection is respectfully traversed.

To establish *prima facie* obviousness of a claimed invention, all claimed limitations must

be taught or suggested by the prior art. See MPEP §2143.03. Claim 21, as amended, recite the steps of “observing . . . *patterns of the requests* from the process, the patterns representing normal behavior of the process” and “generating . . . a description of rights to access the resource by the process *based on the patterns*.” This aspect of the claimed invention is advantageous because it allows resources required by the process in normal operation to be determined without or with limited user intervention.

Neither Pouban nor Trabelsi teaches or suggests these two steps. As set forth above, Pouban does not teach or suggest these two steps. Neither does Trabelsi teach or suggest these two steps. In Trabelsi, a requester defines or modifies roles by adding or deleting privileges. See Trabelsi, paragraph [0035]. The requestor in Trabelsi is a physical person who may be an administrator. See Trabelsi, paragraph [0024]. Therefore, in Trabelsi, privileges for each role are set *manually* by the requestor. Nowhere in Trabelsi does it teach or suggest that “the patterns of the requests” are observed or that “the description of rights” is generated based on the patterns.

Further, claim 21, as amended, recites “the resource access table *having an ordered list of entries specifying process paths of processes* and rights to access resources by the processes.” This aspect of the claimed invention is advantageous because the rights to access the resources for each process can be searched in the resource access table efficiently using the process path of the process.

Neither Pouban nor Trabelsi teach or suggest “the resource access table *having an ordered list of entries specifying process paths of processes*.” As set forth above, Pouban does not teach or suggest this feature. Neither does Trabelsi. In Trabelsi, the entries of the list of permissions and conditions specify types of resources, but not the process paths of the processes.

See Trabelsi, paragraph [0042]; and FIG.2. Nowhere in Trabelsi does it teach or suggest that the entries specify the process paths of the processes.

For at least the above reasons, claim 21 is patentably distinct from Pouban in view of Trabelsi. Claims 22-25 depend from claim 21. Therefore, claims 22-25 are also patentably distinct from Pouban in view of Trabelsi. Therefore, Applicants respectfully request that the rejection of claims 22-25 be withdrawn.

Claim 27 also recite “observe patterns in the requests from the process,” “generate a description of rights to access the resource,” and “the resource access table having an ordered list of entries specifying process paths of processes.” Similarly, claim 33 recites “observe, by the intrusion detection module, patterns in the requests from the process,” “generate, by the intrusion detection module, a description of rights to access the resource,” and “the resource access table having an ordered list of entries specifying process paths of processes.” Claims 28-31 depend from claim 27, and claims 34-37 depend from claim 33. Therefore, the same arguments for claim 21 are equally applicable to claims 28-31, and 34-37. Applicants respectfully request that the rejection of claims 28-31, and 34-37 be withdrawn.

Information Disclosure Statement

Applicants submitted an Information Disclosure Statement (IDS) on May 2, 2007. This IDS cites references identified in copending related U.S. patent application No. 10/635,794. The Examiner is requested to indicate consideration of the references included in the IDS by initialing the PTO-1449 form submitted therewith and attaching the same to the next communication to Applicant.

Closing

For at least the reasons stated above, Applicant respectfully submits that the pending claims 21-25, 27-31, and 33-37, as amended, are all in condition for allowance. Issuance of a Notice of Allowance is respectfully requested. The Examiner is invited to contact the undersigned to advance the prosecution of this case.

Respectfully submitted,
Vincent Alan Larsen, and Carolyn Meinel

Dated: May 14, 2007

By: /Brian Hoffman/

Brian M. Hoffman, Reg. No. 39,713

Attorney for Applicants

Fenwick & West LLP

801 California Street

Mountain View, CA 94041

Tel.: (415) 875-2484

Fax: (415) 281-1350